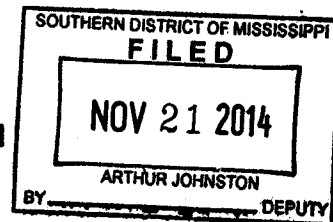


IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
WESTERN DIVISION



JAMES D. SCHAEFFER

PLAINTIFF

v.

CIVIL ACTION NO. 5:14cv110 KS-MTP

WARREN COUNTY, MISSISSIPPI AND  
WARREN COUNTY BOARD OF SUPERVISORS

DEFENDANT

**COMPLAINT**  
**JURY TRIAL DEMANDED**

**COMES NOW** the Plaintiff, James D. Schaeffer, by and through counsel, Watson & Norris, PLLC, and files this action to recover damages for violations of his rights under the Age Discrimination in Employment Act of 1967 and Title VII of the Civil Rights Act of 1964. In support of this cause, the Plaintiff would show unto the Court the following facts to-wit:

**THE PARTIES**

1. Plaintiff, James D. Schaeffer is an adult male who resides in Warren County at 1015 South Street, Vicksburg, MS 39180.
2. Defendant, Warren County, Mississippi and Warren County Board of Supervisors is a Mississippi entity and may be served with process through William F. Lauderdale, President, Warren County Board of Supervisors, 913 Jackson Street, Vicksburg, MS 39183.

**JURISDICTION AND VENUE**

3. This Court has federal question jurisdiction and venue is proper in this court.
4. Plaintiff timely filed a Charge of Discrimination with the EEOC for Age

Discrimination and Retaliation on June 2, 2014, a true and correct copy of which is attached as Exhibit "A." Plaintiff received a Notice of Right to Sue from the EEOC on October 30, 2014, a true and correct copy of which is attached as Exhibit "B."

5. Plaintiff timely files this cause of action within the appropriate statute of limitations for claims arising under the ADA, Title VII and the FLSA.

### **STATEMENT OF FACTS**

6. Defendant hired Plaintiff on September 6, 2006 as a boat pilot.

7. Plaintiff complained to William "Buddy" Poole, Road Manager, in October 2013 about being denied overtime hours and pay, which made Mr. Poole very angry with Plaintiff.

8. Plaintiff was inexplicably terminated on December 16, 2013 and replaced by a much younger individual, Richard May, age 33.

9. Defendant did not follow its own protocol as Plaintiff was given no written warning of possible termination.

### **COUNT I - AGE DISCRIMINATION**

10. Plaintiff re-alleges and incorporates all averments set forth in paragraphs 1 through 9 above as if fully incorporated herein.

11. Defendant's actions constitute intentional discrimination on the basis of age in violation of the ADEA. Specifically, Plaintiff is over the age of 40 and was more than qualified for his position with Defendant. Defendant terminated Plaintiff and replaced him with a much younger male.

12. The unlawful actions of the Defendant complained of above were intentional, malicious, and taken in reckless disregard of the statutory rights of Plaintiff.

**COUNT II - VIOLATION OF FLSA**

13. Plaintiff re-alleges and incorporates all averments set forth in paragraphs 1 through 12 above as if fully incorporated herein.

14. Plaintiff was a non- exempt employee and subject to the provisions of the Fair Labor Standards Act as it pertains to whether or not Plaintiff was entitled to overtime pay for all hours over forty (40) hours worked in a given week.

15. The Fair Labor Standards Act requires that employees be paid an overtime premium at a rate not less than one-and-one-half ( $1 \frac{1}{2}$ ) times the regular rate at which they are employed for all hours in excess of forty (40) hours in a work week. 29 U.S.C. § 207(a).

16. Plaintiff was not paid overtime compensation under the Fair Labor Standards Act at a rate of  $1 \frac{1}{2}$  his regular rate of pay.

17. The acts of the Defendant constitute a willful intentional violation of the Fair Labor Standards Act.

**COUNT III – RETALIATION**

18. Plaintiff re-alleges and incorporates all averments set forth in paragraphs 1 through 17 above as if fully incorporated herein.

19. Plaintiff was retaliated against by being terminated after complaining about not receiving overtime pay.

20. Plaintiff has been harmed as a result of this retaliation, and the Defendant is liable to Plaintiff for the same under the terms and conditions of the ADEA, Title VII and the Fair Labor Standards Act.

**PRAYER FOR RELIEF**

**WHEREFORE PREMISES CONSIDERED**, Plaintiff respectfully prays that upon hearing of this matter by a jury, the Plaintiff be granted the following relief in an amount to be determined by the jury:

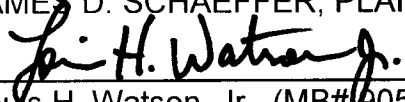
1. Back wages or reinstatement; or
2. Future wages in lieu of reinstatement;
3. Compensatory damages;
4. Liquidated damages
5. Punitive damages;
6. Attorney's fees;
7. Costs and expenses; and
8. Such further relief as is deemed just and proper.

THIS the 20<sup>th</sup> day of November 2014.

Respectfully submitted,

JAMES D. SCHAEFFER, PLAINTIFF

By:

  
\_\_\_\_\_  
Louis H. Watson, Jr. (MB# 6053)  
Nick Norris (MB# 101574)  
Attorneys for Plaintiff

OF COUNSEL:

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